THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21437 of 2006

16.10.2006

Between:

P.Prem Saibabu, S/o.Mohana Raju

... Petitioner

AND

The Principal Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And another

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21437 of 2006

ORDER:

The petitioner and his sister are statedly owners of land in survey No.17/7 (old survey Nos.12 and 13) situated at Chinagadili village and Mandal in Visakhapatnam District. They inherited the ancestral property, after death of their father on 16.12.1999. They intend to give General Power of Attorney (GPA) to Smt.Nadipalli Saraswathi and another. They, therefore, prepared GPA document on 22.9.2006 and presented before the second respondent. The second respondent refused to receive the same, without assigning any specific reason. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

October 16, 2006. (**V.V.S.RAO, J**)

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